

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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RED FORT CAPITAL, INC,

Plaintiff,

19 cv 686 (PKC) (RWL)

-against-

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

GUARDHOUSE PRODUCTIONS LLC et al.,

Defendants.  
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CASTEL, U.S.D.J.

Plaintiff Red Fort Capital, LLC (“Red Fort”) brought this action against defendants that failed to repay a loan in accordance with the terms agreed to by the parties. Magistrate Judge Robert W. Lehrburger, to whom this case is assigned for general pretrial purposes, issued a Report & Recommendation (the “R&R”) on August 18, 2020, recommending that this Court dismiss the defenses and counterclaims of defendants Guardhouse Productions LLC, Guardhouse Studios Italy S.R.L., Guardhouse Studios Management Limited, Guardhouse Studios Scotland Ltd. (collectively, the “Guardhouse entities”), and Surya Iacono, and enter judgment against them. (Doc 225.) On Tuesday, September 29, 2020, the Court held a hearing on pending matters and motions in this case.

In reviewing an R&R, a district court “may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1). The R&R advised the parties that they would have 14 days to file written objections, and that **“FAILURE TO FILE TIMELY OBJECTIONS WILL WAIVE THE RIGHT TO FILE OBJECTIONS AND PRECLUDE APPELLATE REVIEW.”** (Doc 225 at 2) (emphasis in

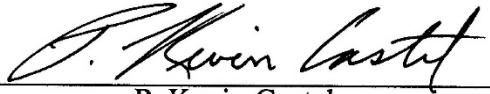
original). Over a month passed from the time of Magistrate Judge Lehrburger's R&R and the Court's September 29 hearing, and no objections or requests for extensions of time have been submitted. Pursuant to this Court's own Order of August 19, 2020, defendants received service of Magistrate Judge Lehrburger's R&R, among other documents. (Order of Aug. 29, 2020 (Doc 226); Aff. of Service (Doc 227).) The parties received clear notice of the consequences of the failure to object and waived the right to object to the R&R or obtain further judicial review of the magistrate's decision. Mario v. P & C Food Mkts., Inc., 313 F.3d 758, 766 (2d Cir. 2002).

When clear notice of the consequences of a failure to object has been provided, the Court may adopt an unobjected-to report and recommendation without de novo review. See Thomas v. Arn, 474 U.S. 140, 150 (1985) ("It does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a *de novo* or any other standard, when neither party objects to those findings."). In such circumstances, "a district court need only satisfy itself that there is no clear error on the face of the record." Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). Guided by Magistrate Judge Lehrburger's R&R, I find no clear error. Therefore, I adopt the R&R in its entirety.

The Court also notes that although it is not required to conduct a review of the R&R, the conclusions of Magistrate Judge Lehrburger are well-reasoned, well-founded, and grounded in law. Magistrate Judge Lehrburger's R&R refers to the transcript of the show-cause hearing held on January 15, 2020 (Doc 223), at which he recounted several ways in which the Guardhouse entities and Iacono defied "discovery orders and obligations, including with respect to documents, interrogatories and appearance at court-ordered deposition as well as [Iacono's] failure to . . . appear at this proceeding, as ordered, and in light of what can be taken only as certain false statements made in her writing to the Court . . . ." (Doc 223 at 9-10.)

The R&R is therefore adopted, the counterclaims and defenses of the Guardhouse entities and defendant Iacono are dismissed, and judgment is entered against them. The Clerk is directed to enter judgment for the plaintiff as to these defendants.

SO ORDERED.

  
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P. Kevin Castel  
United States District Judge

Dated: New York, New York  
September 29, 2020